

Appl. No. 10/075,326
Atty. Docket No. CM2502
Amdt. dated 1/19/06
Reply to Office Action of 10/25/05
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1, 4 and 10 are currently under consideration. Claims 17-26 stand withdrawn from consideration.

Claim 1 and, perforce, dependent Claims 4 and 10, are now amended to recite that the container houses wipes. Basis is found throughout the specification and drawings, e.g., page 6, line 17. Entry of the amendments is requested.

Formal Matters

The objection to Claim 9 (Office Action page 5) has been obviated by the cancellation of that Claim.

Rejections Under 35 USC 102

Claims 1, 9 and 10 stand rejected over U.S. 2,170,540, for reasons of record at page 2 of the Office Action. Applicant respectfully traverses the rejections on this basis.

As is clearly evident from the drawings and text of '540, nothing therein teaches vertically-stacked wipes, nor the biasing of said wipes toward the container's front side wall. Absent these elements, it is submitted that '540 cannot support a rejection under §102 of the claims as now presented. Withdrawal of the rejections on this basis is requested.

Rejections Under 35 USC 102/103

Claims 1, 9 and 10 stand rejected under §§102/103 over U.S. 2,170,540, for reasons of record at page 3 of the Office Action.

Claims 1, 4, 9 and 10 stand rejected under §§102/103 over U.S. 5,363,959, for reasons of record at pages 3-4 of the Office Action.

Claims 1, 4 and 9 stand rejected under §§102/103 over U.S. 1,931,293, for reasons of record at pages 4-5 of the Office Action.

Applicant respectfully traverses all of said rejections, to the extent they may apply to the claims as now amended.

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With regard to the cited '959 and '293 patents, it is submitted that they are non-analogous art, with regard to the present invention, and should be withdrawn from consideration. The invention herein, as now claimed, relates to containers with vertically-stacked wipes. The cited '959 and '293 patents both appear to disclose some sort of paintbrush containers, which is a technology far afield from the present invention.

Assuming *arguendo* that '959 and '293 are relevant references, the fact remains that nothing in '959 nor '293 teaches the combination of the paintbrush containers disclosed therein with wipes. Accordingly, it is submitted that neither patent supports a rejection under §102.

With regard to the '540 patent, it is again noted that nothing therein teaches a container with vertically stacked wipes. Accordingly, it is again submitted that this patent does not support a rejection under §102.

With regard to the listed rejections under §103, it is submitted that none of the cited patents suggests *prima facie* the present invention in the sense of 35 USC 103.

Succinctly stated, none of the cited patents suggests: a) vertically stacking; b) wipes; c) in a trapezoidal container; d) having a dispensing opening positioned as required by Claim 1; and e) having said vertically stacked wipes biased toward the front wall of the container to assist their positioning at the dispensing opening.

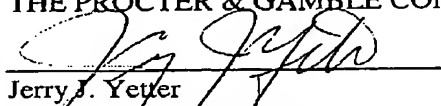
It is settled law that, in order to support a *prima facie* obviousness rejection under §103, the cited documents must teach or suggest all elements of a claim. It is submitted that the cited documents do not meet this requirement. Reconsideration and withdrawal of the rejections are respectfully requested.

In light of the foregoing, early and favorable action on Claims 1, 4 and 10 is requested.

Respectfully submitted,

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